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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/614,113 07/12/00 PAN

P 2915.3US (96)

EXAMINER

IM52/0911

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BROWN, C	ART UNIT	PAPER NUMBER
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1765  
DATE MAILED:

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09/11/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

<b>Office Action Summary</b>	Application No. <b>09/614,113</b>	Applicant(s) <b>Pan et al.</b>
	Examiner <b>Charlotte A. Brown</b>	Art Unit <b>1765</b>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)  Responsive to communication(s) filed on Aug 27, 2001

2a)  This action is FINAL.      2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

**Disposition of Claims**

4)  Claim(s) 1-18 is/are pending in the application.

4a) Of the above, claim(s) 1 and 2 is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 3-18 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved.

12)  The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a)  All b)  Some\* c)  None of:

1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

**Attachment(s)**

15)  Notice of References Cited (PTO-892)      18)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

16)  Notice of Draftsperson's Patent Drawing Review (PTO-948)      19)  Notice of Informal Patent Application (PTO-152)

17)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_      20)  Other: \_\_\_\_\_

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**DETAILED ACTION**

1. Applicant's election without traverse of Group I, claims 3-18, in Paper No. 4 is acknowledged.
2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
3. Claims 3-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Segawa et al. (US 5,428,244).

Segawa discloses a method of manufacturing a semiconductor device having a silicon rich dielectric layer. A silicon substrate is provided. A gate silicon dielectric layer composed of  $\text{SiO}_2$  is grown over the silicon substrate. A polysilicon layer is formed on the surface of the gate dielectric layer. Ions of gate impurities are implanted into the polysilicon layer. A tungsten silicide layer is deposited on the surface on the polysilicon layer. This reads on the applicant's limitation of depositing a metallic silicide film in non-annealed state atop the polysilicon layer. A silicon oxide layer, a dielectric cap layer, is formed on the surface of the polysilicon layer by means of a CVD process (Column 7, lines 7-24). The silicon oxide film is deposited at a temperature of  $840^\circ\text{C}$ . Patterns are formed upon the dielectric cap layer. Upon the completion of the transferring

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of patterns, the polysilicon layer, the tungsten silicide film, and the silicon oxide layer are etched sequentially (Column 7, lines 49-52).

Segawa differs from the claimed invention by specifying that the dielectric cap layer is deposited at a sufficiently low temperature. It is the Examiner's position that a person having ordinary skill in the art would have found it obvious to modify Segawa by using different processing parameters because same were known to be cause effective variables and routine experimentation would have been expected to optimize them.

Changes in temperature, concentrations, or other process conditions of an old process does not impart patentability unless the recited ranges are critical, i.e., they produce a new and unexpected result. *In re Aller et al.*, 105 USPQ 233.

Unlike the claimed invention, Segawa does not teach a method of stripping a resist layer.

Chang teaches a method for fabrication a reduced-height gate stack. A gate oxide layer and a surrounding field oxide layer is formed over a semiconductor substrate. The field oxide layer provides isolation between adjacent transistors. A layer of doped silicon is formed over the oxide layers. A refractory metal layer such as tungsten silicide is formed over the polysilicon layer. A silicon dioxide layer is formed over the metal layer. A layer of photoresist is formed over the oxide layer. The photoresist layer is patterned to form photoresist masks. The photoresist masks are removed in a conventional manner (Column 2, lines 24-45). This reads on the applicant's limitation of stripping the photoresist layer.

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It is the Examiner's position that a person having ordinary skill in the art would have found it obvious to modify Segawa by using the method of stripping the resist as taught by Chang. The additional step of stripping the resist would have been anticipated in order to form a gate stack over the semiconductor substrate.

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (US 6,087,254 and US 6,137,130)

5. Any inquiry concerning this communication from the Examiner should be directed to Charlotte A. Brown whose telephone number is (703) 305-0727.

CAB

September 7, 2001

  
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